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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/488, 527 01/21/00 IGUCHI

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TM02/1023

EXAMINER

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MORSE, G

ART UNIT

PAPER NUMBER

2167

DATE MAILED:

10/23/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

TR

<b>Office Action Summary</b>	Application No. <b>09/488,527</b>	Applicant(s) <b>Iguchi</b>
	Examiner <b>Greg Morse</b>	Art Unit <b>2167</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_  
 2a)  This action is FINAL.                    2b)  This action is non-final.  
 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5)  Claim(s) \_\_\_\_\_ is/are allowed.  
 6)  Claim(s) 1-31 is/are rejected.  
 7)  Claim(s) \_\_\_\_\_ is/are objected to.  
 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9)  The specification is objected to by the Examiner.  
 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.  
 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)                    18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)                    19)  Notice of Informal Patent Application (PTO-152)  
 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_                    20)  Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Claims 1-31 are pending.

*Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

*Claim Rejections - 35 USC § 112*

3. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, in Claim 1, step (a), "storing setting data every article" makes no sense. In Claim 16, "storing means for storing setting data every article" and in Claim 31 "displaying said quantities every said articles in accordance with said setting data" also make little sense. The rejections which follow are in relation to the claims as best understood.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-4, 7-8, 11-19, 22-23, 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Savage, U.S. patent 6,026,372. See Figs. 3 and 4.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-6, 9-10, 20-21, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage as applied to claim 1 above. Savage shows a system for predicting food needs and initiating cooking of the food. Savage does not show a particular means to initiate the update of the display. The examiner takes official notice that toggle switches and rotary switches are known to allow operator control of a computer display. The use of a toggle or rotary switch at the

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cooking location to allow the chef to update the count of items needed would have been obvious to one of ordinary skill in the art in order to allow a batch process of cooking each item type without a constantly changing display.

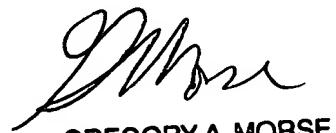
Savage does not show the use of a weekly calendar; however, an allowance for daily variation is made at Col. 3 line 5-12. The use of a larger scale calendar in the device of Savage would have been obvious to one of ordinary skill in the art in order to accurately supply a desired quantity of food with minimal supervision by a manager.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al. shows a demand forecasting apparatus 168 in the context of a restaurant. Columns 7-8 are particularly relevant. Cahlander et al. shows a robot cooking system with a forecasting routine at Fig. 41 and Col. 2.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Morse whose telephone number is (703) 308-4789.

MORSE/gam  
October 22, 2001



GREGORY A. MORSE  
PRIMARY EXAMINER